

REMARKS

Claims 1-12 are pending in the present application. Claims 1 and 2 have been amended.

Rejection under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-5, 8-9, and 12 under 35 U.S.C. § 102(b) as being anticipated by prior art references, Howe et al (U.S. Patent No. 4,103,291, herein after referred to as "Howe"), Jonassen (U.S. Patent No. 3,791,711, herein after referred to as "Jonassen"), and Kozlowski (U.S. Patent No. 3,906,273, herein after referred to as "Kozlowski").

Applicant respectfully submits that the rejection under 35 U.S.C. § 102(b) may not be maintained because each and every element as recited in the claims of the present application is not found, either expressly or inherently described, in any single prior art reference or any combination of the references relied upon by the Examiner in the outstanding Office Action. More specifically, the cited references do not disclose or teach a pair of lead terminals having broadened tips that form discharge electrodes, and sealing spacers fixed on lead portions of the lead terminals as recited in the claims of the present application. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. 102(b).

Herein below, the Examiner's rejection and reasoning, and Applicant's remarks thereto will be discussed in detail relative to the particular claims.

Claims 1 and 5

The Examiner has rejected claims 1 and 5 under 35 U.S.C. 102(b) as being anticipated by Howe. Particularly, the Examiner states in second paragraph of the outstanding Office Action, that Howe discloses the claimed invention in Fig. 1.

However, according to Fig. 1 of Howe and the related description thereof in col. 2, line 54 to col. 3, line 22, a vacuum envelope 11 includes a cylindrical insulating side wall 12, and metallic end walls 13 and 14. Seals 16 and 17 seal the end walls to the side walls. The end wall 13 supports a stationary electrode 22 having the contact 23, and the end wall 14 supports a movable electrode 24.

In contrast, the surge absorber as recited in claim 1 of the present application includes a pair of lead terminals having broadened tips, and the tips form discharge electrodes. Further, each of the pair of lead terminals has a sealing spacer fixed thereon, and two sealing spacers are fixed on a one-piece cylindrical housing. The structure of the surge absorber of the present invention can be easily distinguished from that of the system as shown in Fig. 1 of Howe. The claimed elements, specifically, a pair of lead terminals including a discharge electrode on their broadened tips, a pair of sealing spacers and housing are not taught or suggested by Howe.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. 102(b). Also, Applicant requests allowance of claim 5 as variably depending from what should be now an allowable independent claim 1.

Claims 1-2, 5 and 9

The Examiner has rejected claims 1-2, 5 and 9 under 35 U.S.C. 102(b) as being anticipated by Jonassen.

Reference is made to the detailed description at col. 4, lines 40-52, and Figures 5 and 6 in Jonassen. After each hollow member 22 having solder rings 30 is inserted into a housing 10, an electrode 32 is inserted through the associated hollow member 22 into the interior of housing 10, by the cooperation of welding a flange 20 with a stop 34. The electrode is comprised of a shaft 33 extending between opposing ends 38 and 39, and including a stop 34 formed thereon (*See*, Fig. 4 and col. 4, lines 6-12).

As recited in the claims 1 and 2 of the present invention, the lead terminal is inserted in the housing with being fixed in the sealing spacer, which does not necessarily require a separate welding accessory. However, in Jonassen, electrode is inserted in the housing by cooperation of its stop portion with the welding flange formed in the housing. Jonassen requires more than one element such as hollow member, stop and flange, while the present invention only needs the sealing spacer for sealing. Jonassen does not teach or suggest the substantially integrated relation between the sealing spacer and the lead terminal as recited in the claims of the present application. Moreover, in the aspect of the shape of the electrode, the present invention is clearly distinguished from the Jonassen.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. 102(b) in view of Jonassen.

Claims 5 and 9 should now be allowable as variably depending from what is believed to be allowable independent claims 1 and 2, respectively. Accordingly,

Applicant requests that claims 5 and 9 be passed to issue.

Claims 1-4 and 8-9

Claims 1-4 and 8-9 have been rejected as being anticipated by Kozlowski, under 35 U.S.C. 102(b).

In Kozlowski, a first electrode 10 is mounted to a first base 1, and a second electrode 20 is mounted to a second base 2. The first electrode includes an axial passage 15 including an opening 16, and serves as a conduit for evacuating the enclosure and filling it with an ionizable atmosphere. The second electrode is maintained by a sleeve 3 along the central axis of the enclosure (See, Figure 1 and col. 3, lines 41-57). The claimed elements as recited in claims 1 and 2 of the present application are not found in Kozlowski.

Accordingly, Applicant requests reconsideration and withdrawal of the rejection of claims 1 and 2 based on the Kozlowski reference. Also, Applicant requests that claims 3-4 and 8-9 be passed to issue as variably depending from what should now be allowable independent claims 1 and 2, respectively.

Claims 5 and 12

The Examiner has rejected claims 5 and 12 under 35 U.S.C. 102(b) as anticipated by Kozlowski or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kozlowski.

As discussed with regard to the rejection of claims 1-4 and 8-9, Kozlowski does not teach or suggest each and every element of the claimed invention. Kozlowski fails

to provide any suggestion or modification to make the claimed invention.

Accordingly, reconsideration and withdrawal of the rejection for claims 5 and 12 are respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claims 6-7 and 10-11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Jonassen or Kozlowski, in view of Harada. In the seventh paragraph of the outstanding Office Action, the Examiner contends that using Dumet to form lead terminals would be obvious to one skilled in the art at the time of the invention because Harada discloses a lead wire such as Dumet.

In order to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Also, all the claim limitations must be taught or suggested by the prior art references.

However, the references recited upon by the Examiner in the outstanding Office Action do not disclose all the claim limitations of the present invention. The claimed invention is not taught or suggested by any combination of the cited references, as discussed herein before.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection for claims 6-7 and 10-11.

In conclusion, for at least the reasons stated above, as the present invention is not anticipated nor rendered obvious by the references relied upon by the Examiner, it is respectfully requested that claims 1-12 be passed to issue.

The remaining references, although not cited as prior art, were found to be less relevant and therefore no further discussion is required.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims, as amended herein, are now allowable to Applicant. Thus, reconsideration and allowance are respectfully requested.

The Examiner is invited to contact Applicant's attorney at the below-listed phone number with any questions. If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,
BING LIN YANG
CANTOR COLBURN LLP
Applicant's Attorneys

By: 

David A. Fox

Registration No. 38,807

Customer No. 23413

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